

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KIRK VININGS, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

- v. -

VERTIV HOLDINGS CO, ROB JOHNSON, and
DAVID FALLON,

Defendants.

Case No. 1:22-cv-02416-GHW

**JOINT STIPULATION AND
ORDER**

WHEREAS, on March 24, 2022, the Plaintiff in the above-captioned action (the “Action”) filed a class action complaint asserting claims against Defendants Vertiv Holdings Co, Rob Johnson and David Fallon (collectively, “Defendants”) pursuant to Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78a et seq.; and

WHEREAS, on March 25, 2022, the Action was assigned to United States District Court Judge Gregory H. Woods; and

WHEREAS, on March 26, 2022, the Court issued an initial scheduling order, which calendared an initial pretrial conference in the Action for May 17, 2022; and

WHEREAS, the complaint in this Action is governed by the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4 et seq. (the “PSLRA”), which, among other things, provides for a specific process for the appointment of lead plaintiff(s) and lead counsel to represent the putative class; and

WHEREAS, in accordance with the PSLRA, counsel for Plaintiff published notice to the putative class of the pendency of the Action on March 24, 2022; and

WHEREAS, pursuant to Section 21D(a)(3)(A) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(A), as amended by the PSLRA, the deadline for any class member to move for appointment as lead plaintiff is May 23, 2022; and

WHEREAS, the Parties agree that, for purposes of efficiency and to conserve judicial resources, it would be most advantageous to the administration of justice to continue the initial pretrial conference and the associated deadlines for a Proposed Civil Case Management Plan and Scheduling Order and joint letter until after the appointment of lead plaintiff(s) and lead counsel in the Action and/or until after the resolution of any motions that Defendants may file in response to the currently operative complaint or any superseding complaint that may be filed in the Action;

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendants, as follows:

1. Undersigned counsel for Defendants is authorized to accept, and hereby does accept, service of the summons and complaint in the Action on behalf of Defendants, to the extent not already served, without prejudice and without waiver of any of Defendants' defenses, objections or arguments, except as to sufficiency of service of process.

2. Defendants shall not be required to answer or otherwise respond to, and are hereby expressly relieved from answering or otherwise responding to, any complaints filed in the Action (including any future-filed related actions consolidated therewith) subject to the provisions of paragraphs 3 and 4 below.

3. Within 60 days after the entry of an order appointing, pursuant to the PSLRA, lead plaintiff(s) and lead counsel in the Action (or a consolidated action encompassing the Action), lead plaintiff(s) shall either (1) serve and file a consolidated class action complaint,

which shall serve as the operative complaint in the Action and shall supersede all other complaints filed in and/or transferred to this Court related to the Action or (2) notify counsel for Defendants that a previously-filed complaint will serve as the operative complaint in the Action.

4. Defendants shall have 60 days from the date on which lead plaintiff(s) comply with paragraph 3 to move or plead in response to the operative complaint.

5. Should Defendants file a motion to dismiss the operative complaint, lead plaintiff(s) will file their opposition brief in no later than 60 days, and Defendants will file their reply brief in no later than 45 days.

6. The initial pretrial conference scheduled for May 17, 2022, shall be vacated, and rescheduled to a date after lead plaintiff(s) and lead counsel are appointed, which the Court shall set.

7. There have been no requests for an extension of time previously made in this matter.

Dated: May 3, 2022

Respectfully submitted,

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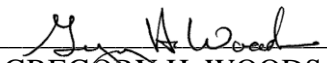
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The parties' request is granted in part and denied in part. Defendants are not required to answer to any complaints filed in this action other than the amended complaint described in paragraphs three and four of the parties' stipulation. The deadline for Plaintiffs to file an amended complaint is 60 days following the entry of an order approving a lead plaintiff. In addition, the deadline for Defendant to answer or otherwise respond to that amended complaint is sixty days following the any amended complaint. However, the Court declines to endorse the remainder of the parties' stipulation. Should Defendants seek to move to dismiss the amended complaint, they should request a pre-motion conference in accordance with the Court's individual rules.

SO ORDERED.

Dated: May 4, 2022
New York, New York



GREGORY H. WOODS
United States District Judge